IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 115 OF 2005

SHRI PURSO NARAYAN GOSAVI AND 8 ORS., ...Appellants

Versus

SHRI GANESH RAGHOBA GOSAVI AND 3 ORS., ...Respondents

Shri Nitin Sardessai, Advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 27th October, 2005

P.C.

Confronted with the difficulty that the second appeal is not maintainable against the order of remand by virtue of Order 43(1)(u) of the Code of Civil Procedure, the learned Counsel for the appellants prays for withdrawal of the second appeal with liberty to the appellants to file an appeal from order.

The prayer is acceded to and the second appeal is dismissed as withdrawn with liberty to file appeal from order.

The Office is directed to return the certified copy of the Order dated 18.06.2005 passed by the Adhoc Additional District Judge, Fast Track Court-I, South Goa, Margao and the certified copy of the Judgment dated 15.12.2003 passed by the Ist Additional Civil Judge, Senior Division, Margao, after retaining the xerox copies of the said Judgment and the Order on record.

R. M. LODHA, J.

ssm.